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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,685	01/31/2002	Frederick M. Hall	2001 P 23522 US	3116

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Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/062,685	Applicant(s) HALL, FREDERICK M.	
	Examiner Matthew B. Smithers	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-12,14-16,18,19,21-23,25-29 and 31 is/are rejected.
- 7) ☒ Claim(s) 3,9,13,17,20,24 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 2-10, 12-18, 20-21 and 23-31 are objected to because of the following informalities: The preamble of each of the dependent claims should clearly further define the claim in which it is based upon. For example, the preamble of claim 2, should state "The method of claim 1 further comprising" instead of "The invention of claim 1 further comprising." Each of the other dependent claims preambles should be stated similar to the example above. Appropriate correction is required.

Claims 22-31 are objected to because of the following informalities: Claims 22-31 appear to be an attempt at invoking 112 6th paragraph, however the language does not state "means for" or steps for" (see MPEP 2181). Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-8, 10-12, 14-16, 18-19, 21-23, 25-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,073,106 granted to Rozen et al and further in view of U.S. patent application US 2002/0001367 granted to Lee.

Regarding claim 1, Rozen teaches a system for facilitating access to information in an emergency situation where a service organization (administrator) allows access to a person's medical records. When an emergency occurs, an emergency medical facility (entity) makes a request for access to a patient's medical records by providing the service organization with its identification information. The service organization verifies the identity of the facility by cross-checking the identification information with information in an established data file (see column 8, lines 33-64). The verification process does not use authenticated information (i.e. a password, see applicant's background) to verify the entity. Once the entity has been verified, the service organization (administrator) provides the entity with access to the person's medical records. Rozen fails to specifically teach the use of an emergency logon button for executing the emergency request. Lee teaches an emergency system using a computer that allows a user to activate an emergency request upon pressing (clicking) the emergency logon button (see paragraphs [0020] and [0034]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lee's use of an emergency button to signal an emergency request with Rozen's system for accessing a person's medical records in an emergency for the purpose of quickly providing urgent care professional with the needed medical information to assist a person suffering from an emergency situation (see Lee; paragraph [0006]).

Regarding claim 2, Rozen as modified discloses alerting an administrator regarding the request for emergency logon (see Rozen, column 8, lines 41-44).

Regarding claim 4, Rozen as modified discloses the emergency access provided to the entity in is the same as the access provided when identification information is authenticated by authentication information (see Rozen, column 6, lines 16-31).

Regarding claim 5, Rozen as modified discloses the emergency access provided to the entity in is different from the access provided when identification information is authenticated by authentication information (see Rozen, column 7, lines 15-28).

Regarding claim 6, Rozen as modified discloses emergency access provides read-only access, and wherein access provided when identification information is authenticated by authentication information is not limited to read-only access (see Rozen, column 6, lines 16-31 and Rozen, column 7, lines 15-28).

Regarding claim 7, Rozen as modified discloses the entity requests emergency logon by clicking on a displayed emergency logon button (see Lee, column 7, paragraph [0034]).

Regarding claim 8, Rozen as modified discloses the information collected from the entity in comprises at least one character (see Rozen, column 8, lines 33-41).

Regarding claim 10, Rozen as modified discloses emergency logon is implemented on a computer-based medical information system (see Rozen, column 5, lines 31-47).

Regarding claim 11, Rozen teaches a system for facilitating access to information in an emergency situation where a service organization (administrator) allows access to a person's medical records. When an emergency occurs, an emergency medical facility (entity) makes a request for access to a patient's medical

records by providing the service organization with its identification information. The service organization verifies the identity of the facility by cross-checking the identification information with information in an established data file (see column 8, lines 33-64). The verification process does not use authenticated information (i.e. a password, see applicant's background) to verify the entity. Once the entity has been verified, the service organization (administrator) provides the entity with access to the person's medical records. Rozen further teaches the emergency medical facility (entity) can be limited to read-only access (operating in a second mode) (see column 6, lines 15-20). Rozen fails to specifically teach the use of an emergency logon button for executing the emergency request. Lee teaches an emergency system using a computer that allows a user to activate an emergency request upon pressing (clicking) the emergency logon button (see paragraphs [0020] and [0034]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lee's use of an emergency button to signal an emergency request with Rozen's system for accessing a person's medical records in an emergency for the purpose of quickly providing urgent care professional with the needed medical information to assist a person suffering from an emergency situation (see Lee; paragraph [0006]).

Regarding claim 12, Rozen as modified discloses an administrator is alerted regarding the request for emergency logon (see Rozen, column 8, lines 41-44).

Regarding claim 14, Rozen as modified discloses providing read-only access, and providing access to data that is not limited to read-only access (read/write access) (see Rozen, column 6, lines 16-31 and Rozen, column 7, lines 15-28).

Regarding claim 15, Rozen as modified discloses the entity requests emergency logon by clicking on a displayed emergency logon button (see Lee, column 7, paragraph [0034]).

Regarding claim 16, Rozen as modified discloses the information collected from the entity in comprises at least one character (see Rozen, column 8, lines 33-41).

Regarding claim 18, Rozen as modified discloses emergency logon is implemented on a computer-based medical information system (see Rozen, column 5, lines 31-47).

Regarding claim 19, Rozen teaches a computer based medical information system for facilitating access to information in an emergency situation where a service organization (administrator) allows access to a person's medical records (see column 5, lines 31-47). When an emergency occurs, an emergency medical facility (entity) makes a request for access to a patient's medical records by providing the service organization with its identification information. The service organization (administrator) is alerted (column 8, lines 41-44).and subsequently verifies the identity of the facility by cross-checking the identification information with information in an established data file (see column 8, lines 33-64). The verification process does not use authenticated information (i.e. a password, see applicant's background) to verify the entity. Once the entity has been verified, the service organization (administrator) provides the entity with access to the person's medical records. Rozen fails to specifically teach the use of an emergency logon button for executing the emergency request. Lee teaches an emergency system using a computer that allows a user to activate an emergency request upon pressing

(clicking) the emergency logon button (see paragraphs [0020] and [0034]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lee's use of an emergency button to signal an emergency request with Rozen's system for accessing a person's medical records in an emergency for the purpose of quickly providing urgent care professional with the needed medical information to assist a person suffering from an emergency situation (see Lee; paragraph [0006]).

Regarding claim 21, Rozen as modified discloses the computer-based medical information system comprises a plurality of workstations, a local area network, a medical information database server, a domain server, and a network server (see Rozen, column 5, lines 31-47).

Claims 22, 23, 25, 26, 27, 28, 29 and 31 are system claims that are substantially equivalent to method claims 1, 2, 4, 5, 6, 7, 8, and 10, respectively. Therefore, claims 22, 23, 25, 26, 27, 28, 29 and 31 are rejected by a similar rationale.

Allowable Subject Matter

Claims 3, 9, 13, 17, 20, 24, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 3,13, 20, and 24, the cited prior art fails to specifically teach producing an audit log that is more detailed than an audit log produced when identification information is authenticated by authentication information.

With respect to claims 9,17, and 30, the cited prior art fails to specifically teach the information collected from the entity comprises biometric information.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Dick (US 2003/0220817) discloses a system for electronically transmitting authorization to release medical information.

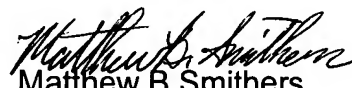
B. Peterson (US 2003/0074564) discloses a system for allowing immediate access to a patient's medical records.

C. Larsen et al (US 2003/0220817) discloses a system for releasing a person's medical records to a requesting entity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew B Smithers
Primary Examiner
Art Unit 2137